

**ORDINANCE OF THE MAYOR AND COMMISSIONERS  
OF THE TOWN OF HENLOPEN ACRES  
ADOPTING THE 2014 COMPREHENSIVE PLAN UPDATE  
AND REQUESTING THAT THE GOVERNOR OF DELAWARE CERTIFY THE PLAN**

**WHEREAS**, Title 22, Section 702(a) of the Delaware Code provides, in relevant part, that “[a] planning commission established by any incorporated municipality under this chapter shall prepare a comprehensive plan for the city or town or portions thereof as the commission deems appropriate.”

**WHEREAS**, the Comprehensive Plan of the Town of Henlopen Acres was certified by the State of Delaware on July 9, 2004.

**WHEREAS**, Title 22, Section 702(e) of the Delaware Code provides, in relevant part, that “[a]t least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary, and re-adopted at least every 10 years.”

**WHEREAS**, Title 22, Section 702(f) of the Delaware Code provides, in relevant part, that “[t]he plan shall be subject to the state review and certification process set forth in § 9103 of Title 29.”

**WHEREAS**, Title 29, Section 9103(e) of the Delaware Code provides, in relevant part, that “the Office of State Planning Coordination shall submit a final comprehensive plan report and recommendation to the Governor or designee for certification.”

**WHEREAS**, Title 29, Section 9103(e) of the Delaware Code further provides, in relevant part, that “If there is a finding that such a plan, amendment, revision or update is inconsistent or if there is a dispute, the report and the plan are to be forwarded to the Cabinet Committee for State Planning Issues and shall follow the same process as for the certification of county plans.”

**WHEREAS**, the Town of Henlopen Acres has been actively engaged in preparing and finalizing the ten year Comprehensive Plan update since 2011.

**WHEREAS**, the Planning Commission conducted public hearings to accept public comment on the draft 2014 Comprehensive Plan update on December 7, 2011 and June 27, 2014.

**WHEREAS**, the Mayor and Commissioners held public Commission meetings and accepted public comment on the draft 2014 Comprehensive Plan update on October 10, 2014 and December 12, 2014.

**WHEREAS**, a final draft of the 2014 Comprehensive Plan update is attached hereto as Exhibit A.

**WHEREAS**, the Planning Commission reviewed and approved the 2014 Comprehensive Plan update attached hereto as Exhibit A at a public meeting on July 10, 2015.

**WHEREAS**, the 2014 Comprehensive Plan update has been reviewed and considered by the Mayor and Commissioners of the Town of Henlopen Acres.

**WHEREAS**, the Mayor and Commissioners find that the 2014 Comprehensive Development Plan amply meets the Town's obligation under Title 22, Section 702(a) "to encourage the most appropriate uses of the physical and fiscal resources of the municipality and the coordination of municipal growth, development, and infrastructure investment actions with those of other municipalities, counties, and the State through a process of municipal comprehensive planning."

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Commissioners of the Town of Henlopen Acres, in session met, this 10<sup>th</sup> day of July, 2015, as follows:

**Section 1.** The Mayor and Commissioners of the Town of Henlopen Acres hereby adopt the 2014 Comprehensive Plan update, attached hereto as Exhibit A.

**Section 2.** The Mayor and Commissioners of the Town of Henlopen Acres hereby request that the Governor of Delaware or his designee certify the 2014 Henlopen Acres Comprehensive Development Plan.

**Section 3.** This Ordinance shall be effective immediately upon its adoption and the 2014 Comprehensive Plan update attached hereto as Exhibit A shall be effective on the earlier of (1) the date on which the Governor of Delaware certifies the 2014 Comprehensive Plan update, or (2) the date on which a majority of the Mayor and the Commissioners of the Town of Henlopen Acres act to accept or reject any recommendations forwarded to the Town by the Governor pursuant to Subsection 9103(f) of Title 29 of the Code of Delaware, or (3) November 13, 2015.

Adopted by a majority of  
the Commissioners of the  
Town of Henlopen Acres

July 10, 2015



Secretary of the Commissioners of the  
Town of Henlopen Acres